

September 5, 1968

MEMORANDUM

TO: Boston Redevelopment Authority  
FROM: Hale Champion, Development Administrator  
SUBJECT: BOARD OF APPEAL REFERRALS

Re: Petition No. Z-1243  
Dr. Charles W. Lowney  
472-474-476 Hyde Park Avenue  
Roslindale

Petitioner seeks a Forbidden Use Permit and ten variances to erect a three story building for commercial, professional, and apartment occupancy in a Residential (R-.5) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7	A store, office, and apartment building is Forbidden in an R-.5 district		
Sect. 10-1	Parking is not allowed in front yard nor within 5 feet of side lot line		
Sect. 14-1	Minimum lot area is insufficient	2 acres	8510 sq.ft.
Sect. 14-3	Lot width is insufficient	200 ft.	107 ft.
Sect. 14-4	Street frontage is insufficient	200 ft.	107 ft.
Sect. 15-1	Floor area ratio is excessive	0.5	1.2
Sect. 16-1	Height of building is excessive	2 stories	3 stories
Sect. 17-1	Usable open space is insufficient	1000 sq.ft./du	672 sq.ft./du
Sect. 18-1	Front yard is insufficient	25 ft.	11 ft.
Sect. 20-1	Rear yard is insufficient	40 ft.	21 ft.
Sect. 23-1	Off-street parking is insufficient	18 spaces	8 spaces

The property, located at the intersection of Hyde Park Avenue and DeStefano Road, presently contains a Doctor's office and residence. The petitioner proposes to demolish the existing structure and replace it with a drug store, professional office and seven unit apartment structure. Although there are many (3) family dwellings and local business activities along this section of Hyde Park Avenue which, in most instances, represent non-conforming uses, the petitioner's proposal would be inappropriate and too dense for this particular parcel of 8510 square feet. Recommend denial.

VOTED: That in connection with Petition No. Z-1243, brought by Dr. Charles W. Lowney, 472-474-476 Hyde Park Avenue, Roslindale, for a Forbidden Use Permit and variances of parking not allowed in front yard nor within five feet of side lot line, insufficient lot area, lot width, street frontage, open space, front yard, rear yard, off-street parking, excessive floor area ratio and building height to erect a three story building for commercial, professional office, and apartment occupancy in a Residential (R-.5) district, the Boston Redevelopment Authority recommends denial. Although there are many (3) family dwellings and local business activities along this section of Hyde Park Avenue which, in most instances, represent non-conforming uses, the petitioner's proposal would be inappropriate and too dense for this particular parcel of 8510 square feet.



Re: Petition No. Z-1212  
 Resthaven Corporation  
 120 Fisher Avenue, Roxbury

Petitioner seeks a Forbidden Use Permit and five variances to erect a three story-240 bed Nursing Home in a Residential (R-.8) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7	A Nursing Home is a Forbidden use in an R-.8 district		
Sect. 10-1	Parking is not allowed within 5 feet of a side lot line		
Sect. 14-2	Lot area for additional unit is insufficient	1500 sq.ft./du	813 sq.ft./du
Sect. 15-1	Floor area ratio is excessive	0.8	.94
Sect. 16-1	Height of building is excessive	3 stories 35 ft.	4 stories(r) 40 ft.(rear)
Sect. 23-1	Off-street parking is insufficient	131 spaces	72 spaces

The property is located on Fisher Avenue between Bucknam and Hayden Streets. The proposed modern 240 bed extended care facility would replace a Rest Home which existed on the site for many years and is now vacant and beyond repair. The staff has no objection to the proposed use but recommends that the petitioner comply with provisions of Section 10-1 in connection with the side lot line parking requirement. Recommend approval subject to the above condition.

VOTED: That in connection with Petition No. Z-1212, brought by Resthaven Corporation, 120 Fisher Avenue, Roxbury, for a Forbidden Use Permit and variances of parking not allowed within five feet of side lot line, insufficient lot area for additional unit, off-street parking, excessive floor area ratio, and building height to erect a 240 bed Nursing Home in a Residential (R-.8) district, the Boston Redevelopment Authority recommends approval provided the petitioner complies with the side lot line parking requirements of Section 10-1 of the zoning code. The Authority has no objection to the proposed use as it would provide a desirable extended care facility and would remove a vacant and abandoned structure.



Re: Petitions Nos. Z-1227-1228  
 Boston Housing Authority  
 5-9a & 11-15a Melville Av. Dorchester

Petitioner seeks two forbidden uses and multiple variances to erect one 18 unit and one 22 unit housing for the elderly structures in a Residential (R-.5) District. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
<u>5-9a Melville Av. (18 units)</u>			
Sect. 8-7	Multi-family dwelling is forbidden in an R-.5 District		
Sect. 14-1	Lot area is insufficient	2 acres	51,436 sq.ft.
Sect. 14-2	Lot area for additional dwelling unit is insufficient	3000 sq.ft./du	0
Sect. 15-1	Floor area ratio is excessive	0.5	0.66
Sect. 17-1	Usable open space is insufficient	1000 sq.ft./du	403 sq.ft./du
Sect. 23-1	Off-street parking is insufficient	4 spaces	3 spaces
<u>11-15a Melville Avenue (22 units)</u>			
Sect. 8-7	Multi-family dwelling is forbidden in an R-.5 District		
Sect. 14-1	Lot area is insufficient	2 acres	51,436 sq. ft.
Sect. 14-2	Lot area for additional dwelling unit is insufficient	3000 sq.ft./du	0
Sect. 14-5(b)	Access to building in rear is insufficient	50 ft.	
Sect. 14-5(c)	Distance between buildings is insufficient	80 ft.	
Sect. 15-1	Floor area ratio is excessive	0.5	0.66
Sect. 17-1	Usable open space is insufficient.	1000 sq.ft./du	403 sq.ft./du
Sect. 18-1	Front yard is insufficient	25 ft.	
Sect. 19-1	Side yard is insufficient	10 ft.	6.10 ft.
Sect. 20-1	Rear yard is insufficient	40 ft.	18 ft.
Sect. 23-1	Off-street parking is insufficient	4 spaces	3 spaces

The property is located on Melville Avenue near the intersection of Melville Avenue and Washington Street. The petitioner was granted similar variances in 1966 by the Board of Appeal, over the recommended denial by the Authority, and failed to exercise the approvals within the required time period. The proposal as submitted is inappropriate and would have an injurious affect on this one and two family neighborhood.

The design and organization of the development within the site does not create a pleasant environment for its inhabitants. The petitioner should comply with the minimal parking requirements of the code. The staff recommends that a row unit development, which would minimize the impact on the neighborhood and adjacent residential properties, be considered by the developers as it would be more appropriate for the area. Recommend denial as submitted.

VOTED: That in connection with Petitions Nos. Z-1227-Z-1228, brought by the Boston Housing Authority, 5-9a & 11-15a Melville Avenue, Dorchester, for two Forbidden Use Permits and variances of insufficient lot area, lot area for additional dwelling units, access to rear building, distance between buildings, open space, front yard, side yard, rear yard, off-street parking and excessive floor area ratio to erect one 18 unit and one 22 unit housing for the elderly structures in a Residential (R-.5) district, the Boston Redevelopment Authority recommends denial as submitted. The proposal is inappropriate and would have an injurious effect on this one and two family neighborhood. The Authority recommends that a row unit development, which would minimize the impact on the neighborhood and adjacent residential properties, be considered by the Developers as it would be more appropriate for the area. The petitioner should comply with the minimal parking requirements of the code.



Re: Petition No. Z-1229  
Richard H. & Barbara Fitzpatrick  
115 Arlington Street, Brighton

Petitioner seeks a variance to erect a one family dwelling in a Residential (R-.5) District. The proposal would violate the code as follows:

	<u>Req'd.</u>	<u>Proposed</u>
Sect. 19-1 Side yard is insufficient	10 ft.	5 ft.

The property is located on Arlington Street between South Hobart and Parsons Streets. The petitioner proposes to erect a two story single family dwelling on a parcel of land containing approximately 5770 square feet. The existing two car garage will be demolished. The violation is minimal and the proposal is consistent with residential character of the area. Recommend approval.

VOTED: That in connection with Petition No. Z-1229, brought by Richard H. and Barbara Fitzpatrick, 115 Arlington Street, Brighton, for a variance of insufficient side yard to erect a one family dwelling in a Residential (R-.5) District, the Boston Redevelopment Authority recommends approval. The violation is minimal and the proposal is consistent with residential character of the area.

Re: Petition No. Z-1232  
Chevron Oil Company  
233 Hancock Street, Dorchester

Petitioner seeks a Conditional Use Permit to erect an inspection bay addition to an existing gas service station in a Local Business (L-.5) District. The proposal would violate the code as follows:

Sect. 8-6 An addition to a pre-existing Conditional Use requires a Board of Appeal hearing

The property is located on Hancock Street at the intersection of Hancock and Pleasant Streets. The petitioner proposes to add a new inspection bay to the side of an existing service station building. The addition would not adversely affect the surrounding commercial properties and would provide a more beneficial service facility to the area. Recommend approval.

VOTED: That in connection with Petition No. Z-1232, brought by Chevron Oil Company, 233 Hancock Street, Dorchester, for a Conditional Use Permit to erect an inspection bay addition to an existing two bay lubritorium gas service station in a Local Business (L-.5) District, the Boston Redevelopment Authority recommends approval. The proposal would not adversely affect the surrounding commercial properties and would provide a more beneficial service facility to the area.



Re: Petitions Nos. Z-1233-Z-1238  
 Grove Hall Apartments Co.  
 495-505 Blue Hill Avenue, Roxbury

Petitioner seeks several variances to change the occupancy of six (3) family dwellings (one dwelling from three to five families and five dwellings from three to six families) in a Local Business (L-1) District. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
<u>#495</u>	Sect. 14-2	Lot area for additional dwelling unit is insufficient	1000 sq.ft./du 141 sq.ft./du
	Sect. 17-1	Usable open space is insufficient	400 sq.ft./du 28 sq.ft./du
<u>#497</u>	Sect. 14-2	Lot area for additional dwelling unit is insufficient	1000 sq.ft./du 141 sq.ft./du
	Sect. 17-1	Usable open space is insufficient	400 sq.ft./du 28 sq.ft./du
	Sect. 23-1	Off-street parking not provided	3 spaces 0
<u>#499</u>	Sect. 14-2	Lot area for additional dwelling unit is insufficient	1000 sq.ft./du 141 sq.ft./du
	Sect. 17-1	Usable open space is insufficient	400 sq.ft./du 28 sq.ft./du
	Sect. 23-1	Off-street parking not provided	3 spaces 0
<u>#501</u>	Sect. 14-2	Lot area for additional dwelling unit is insufficient	1000 sq.ft./du 141 sq.ft./du
	Sect. 17-1	Usable open space is insufficient	400 sq.ft./du 28 sq.ft./du
	Sect. 23-1	Off-street parking not provided	3 spaces 0
<u>#503</u>	Sect. 14-2	Lot area for additional dwelling unit is insufficient	1000 sq.ft./du 141 sq.ft./du
	Sect. 17-1	Usable open space is insufficient	400 sq.ft./du 28 sq.ft./du
	Sect. 23-1	Off-street parking not provided	3 spaces 0
<u>#505</u>	Sect. 14-2	Lot area for additional dwelling unit is insufficient	1000 sq.ft./du 141 sq.ft./du
	Sect. 17-1	Usable open space is insufficient	400 sq.ft./du 28 sq.ft./du
	Sect. 23-1	Off-street parking not provided	3 spaces 0



The property contains six (3) story row structures and is located on Blue Hill Avenue between Schuyler and Cheney Streets near Grove Hall. The petitioner proposes to rehabilitate the structures and increase the total occupancy from 18 families to 35 families. Blue Hill Avenue is heavily traveled and two lanes are frequently blocked by cars parked at an angle to the sidewalk in front of these buildings. An increase in the number of dwelling units would intensify the existing traffic problem. Recommend denial.

VOTED: That in connection with Petitions Nos. Z-1233-Z-1238, brought by Grove Hall Apartments Co., 495-505 Blue Hill Avenue, Roxbury, for variances of insufficient lot area for additional dwelling unit, usable open space and off-street parking not provided to change the occupancy of six (3) family dwellings (one dwelling from three to five families and five dwellings from three to six families) in a Local Business (L-1) District, the Boston Redevelopment Authority recommends denial. Blue Hill Avenue is heavily traveled and two lanes are frequently blocked by cars parked at an angle to the sidewalk in front of these buildings. An increase in the number of dwelling units would intensify the existing traffic problem. Recommend denial.

Re: Petition No. Z-1239  
 Greater Boston YMCA  
 15 Bellevue Street, West Roxbury

Petitioner seeks an extension of a non-conforming use and four variances to erect a two story gymnasium addition to the rear of the existing two story facility in a Single Family (S-.5) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 9-1	The extension of an existing non-conforming use requires a Board of Appeal hearing		
Sect. 14-2	Lot area for additional unit is insufficient	4000 sq.ft./du	2390 sq.ft./du
Sect. 15-1	Floor area ratio is excessive	0.5	0.57
Sect. 20-1	Rear yard is insufficient	50 ft.	22 ft.
Sect. 23-2	Off-street parking is insufficient	181 spaces	40 spaces

The property is located on Bellevue Street adjacent to the Billings Field Playground. The petitioner proposes to erect a gymnasium addition to the rear of the existing structure. The proposal is a reasonable use of land and would be most beneficial to the neighborhood. Although the petitioner is far short of the required parking spaces, it is the opinion of the staff that the 40 spaces to be provided will be sufficient when considering the youthful membership who utilize the facility and the proximity of available public transit. Recommend approval.

VOTED: That in connection with Petition No. Z-1239, brought by Greater Boston YMCA, 15 Bellevue Street, West Roxbury, for an extension of a non-conforming use and variances of insufficient lot area for additional unit, rear yard, off-street parking, and excessive floor area ratio to erect a two story gymnasium addition to the rear of the existing two story facility in a Single Family (S-.5) district, the Boston Redevelopment Authority recommends approval. The proposal is a reasonable use of land and would be beneficial to the neighborhood. A majority of the members are children who will arrive on foot or by public transit which is in close proximity to the facility.



Re: Petition No. Z-1240

Paul King

52 Wren Street, West Roxbury

Petitioner seeks a Forbidden Use Permit and three variances to change occupancy from a one family dwelling to a two family dwelling in a Single Family (S-.3) District. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7	A two family dwelling is forbidden in an S-.3 District		
Sect. 14-2	Lot area for additional dwelling unit is insufficient	6000 sq.ft./du	0
Sect. 18-1	Front yard is insufficient	30 ft.	22 ft.
Sect. 20-1	Rear yard is insufficient	50 ft.	32 ft.

The property is located on Wren Street opposite the intersection of Wren and Danville Streets. The proposed increase in density is inappropriate and undesirable in this single family neighborhood. Recommend denial.

VOTED; That in connection with Petition No. Z-1240 brought by Paul King, 52 Wren Street, for a Forbidden Use Permit and variances of insufficient lot area for additional dwelling unit, front and rear yards to change occupancy from a one family dwelling to a two family dwelling in a Single Family (S-.3) District, the Boston Redevelopment Authority recommends denial. The proposed increase in density is inappropriate and undesirable in this single family neighborhood.

Re: Petition No. Z-1241-Z-1242  
 Northeast States Investment Corp.  
 651 Gallivan Blvd., Dorchester

Petitioner seeks a Conditional Use Permit and three variances to erect a gasoline service station office and display building and a metal canopy in a Local Business (L-.5) district. The proposal would violate the code as follows:

		<u>Req'd.</u>	<u>Proposed</u>
Sect. 8-7	A gasoline service station is a Conditional Use in an L-.5 district		
Sect. 18-1	Front yard is insufficient (Rotating sign on Gallivan Blvd.)	15 ft.	1 ft.
Sect. 18-1	Front yard is insufficient (Metal canopy on Gallivan Blvd.)	15 ft.	2 ft.
Sect. 18-4	Front yard is insufficient (Office and display building on Marsh St.)	15 ft.	3 ft.

The property, located at the intersection of Gallivan Boulevard and Marsh Street, presently contains a gas service station and office building. The petitioner proposes to demolish the existing office building and erect a modern office and display facility, a rotating sign, new service pumps, and a canopy over the service pumps. The staff has no objection to the proposal provided, however, that the petitioner provide adequate screening (either fencing or shrubbery) between the proposed office and display building and the abutting residence on Marsh Street; and that the building setback on Marsh Street conform with the existing building alignment. Recommend approval with provisos.

VOTED: That in connection with Petitions Nos. Z-1241 and Z-1242, brought by Northeast States Investment Corp., 651 Gallivan Boulevard, Dorchester, for a Conditional Use Permit and three variances of insufficient front yard to erect a one story gas service station office and display building and a metal canopy in a Local Business (L-.5) district, the Boston Redevelopment Authority recommends approval with the following provisos: that adequate screening (fencing or shrubbery) be provided between the proposed office and display building and the abutting residence on Marsh Street; and that the building setback on Marsh Street conform with the existing building alignment.



